IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Bail Appl..No. 5066 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.26832/2006 Dated 20/10/2006
[CRIME NO.58/2007 OF PUTHUNAGARAM POLICE STATION]

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PETITIONER/ACCUSED

P.SARAVANAN, S/O.PALANI, AGED 36
YEARS, KOOMBARA HOUSE, THANEERPANDAL,
VANDITHAVALAM, PALAKKAD.

BY ADV. SRI.M.K.FAISAL

RESPONDENTS: COMPLAINANT/STATE

THE STATE OF KERALA, REP. BY THE
S.I. OF POLICE, PUTHUNAGARAM POLICE STATION,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON 21/06/2007 PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5066 of 2007

Dated this the 21st day of August 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations inter alia under Section 420 I.P.C. Crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. The crux of the allegations is that the petitioner who had availed a loan facility for purchase of an autorickshaw is not acting in compliance of the terms of such agreement.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances to which brief reference has already been made by me, that directions under Section 438 Cr.P.C can be issued in favour of the petitioner.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 30/08/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 31/08/2007 and 01/09/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 30/08/2007, he shall be released from custody on his executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 30/08/2007.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007